IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7007 OF 2004

Maratha Yuvak Mandal, Solapur. ...Petitioner

Versus

Mangal Audumbar Chavan & Ors. ...Respondents

.....

Mr.V.V.Purvant for Petitioner.

Mr.S.S.Shah for Respondent No.1.

.....

CORAM: A.M.KHANWILKAR, J.

AUGUST 31, 2004.

P.C.

1. Heard Counsel appearing for the parties.

2. No interference is warranted, as the Petition is directed against the interlocutory order passed by the Court below.

3. At the outset, Counsel for the Petitioner submitted that the Petitioner was not pressing the plea of jurisdiction of the Civil Court to

entertain the Suit. In so far as the view taken by the Appellate Authority with regard to order of suspension issued without prior approval, learned Counsel has placed reliance on the decision of the Full Bench of our High Court reported in **2004(1) Mh.L.J. 676 in the case of Awdhesh Narayan K.Singh vs. Adarsh Vidya Mandir Trust & Anr.** to contend that in given circumstances, it is open to the Management to suspend an employee without prior approval. This submission, however, overlooks that there is no assertion made on behalf of the Petitioner in the written statement as filed that the Respondent No.1 was required to be suspended under extra-ordinary circumstances. If it is so, the Full Bench decision pressed into service will be of no avail to the Petitioner, inasmuch as the Full Bench has taken the view that normally, an employee of a recognised school may be placed under suspension by a Management, after obtaining prior permission/approval of the Authority in accordance with Sub-rule (1) of Rules 33 and 35 of the Rules. It is only in extra-ordinary circumstances, it is open to the Management to issue order of suspension in absence of prior approval granted by the

Authority. In the present case, there is no assertion that due to extra-ordinary circumstances, order of suspension was issued without prior approval. Hence, the Petition is devoid of merit and the same is dismissed.

4. It is made clear that dismissal of this Petition will not preclude the Management from taking such measures as may be permissible by law, if so advised.

A.M.KHANWILKAR, J.